

ELECTION

The Examiner has issued an election requirement pursuant to 35 U.S.C. 121 and 372 requiring the Applicant to elect a single, disclosed group of claims for prosecution on the merits. Examiner comments are apparently in reference to the claims as originally filed and not to the claims as amended in the Preliminary Amendment filed on September 26, 2006. Receipt of the Preliminary Amendment by the U.S. Patent Office was noted in the Notification of Acceptance of Application under 35 U.S.C. 371 and 27 C.F.R. 1.496 dated June 27, 2008. In the Preliminary Amendment, claims 4, 6-8, 10-11, 13, 16, 20, 23, 25-27 and 29 were amended and claims 5, 24 and 32-41 were cancelled.

Applicant respectfully traverses this election requirement as improper, but provisionally elects Group I (*i.e.*, claims 1-16) directed at an electromagnetic generator. In addition, Examiner also issued an election requirement requiring the Applicant to elect a single, disclosed species for prosecution on the merits. Applicant respectfully traverses this election requirement as improper, but provisionally elects Species Group (i) as illustrated in Fig. 2 in order to advance the prosecution of this case. Claims 1-10 read on elected Species Group (i) illustrated in Fig. 2. Claims 11-31 are provisionally withdrawn from consideration.

REMARKS

During a telephone conversation with Examiner on March 6, 2009, the Examiner confirmed that the Restriction Requirement had been directed to the claims as originally filed and not to the claims as amended in the Preliminary Amendment filed on September 26, 2006. It was agreed that Examiner's comments should be re-directed at the claims as amended in the Preliminary Amendment. Thus, the listing of claims which appears herein is derived from the claims as filed in the Preliminary Amended. Applicant also noted that claim 17 had been omitted from the Examiner's identification of Groups I-III. Examiner clarified the typographical error noting that claim 17 was restricted to Group II, and species (ii).

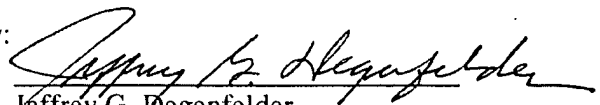
CONCLUSION

A first Office Action on the merit is now respectfully awaited. If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is cordially invited to contact Jeffrey G. Degenfelder at 972.367.2001.

The Commissioner is hereby authorized to charge any payments that may be due to CARSTENS & CAHOON, L.L.P. Deposit Account 50-0392.

Respectfully submitted,

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